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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,607	09/19/2003	Michael J. Chambers	M.CHAMBERS 2-1	6387
47396	7590	06/22/2007	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2618	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

# Office Action Summary

Application No.

10/665,607

Applicant(s)

CHAMBERS ET AL.

Examiner

Andrew Wendell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15, and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 7, 9, 11-12, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie et al. (US Pat# 6,956,833) in view of Pyhalammi et al. (US Pat# 6,990,352).

Regarding claim 1, Yukie's system for wireless data storage on a server and data retrieval teaches a camera (Col. 6 lines 55-63) configured to generate an image of a document that contains the data (Col. 6 lines 55-63); a processing server 36 and 40 (Fig. 2) adapted to receive the document via a wireless communication network 14 (Fig. 2), extract the data from the image and arrange the data according to a format (Col. 6 line 55-Col. 7 line 3); and a database (Col. 6 lines 55-67), associated with the processing server, that receives and stores the data according to the format (Col. 6 line 55-Col. 7 line 3), wherein the mobile telephone contains the database (Col. 2 lines 33-49). Yukie fails to teach a mobile telephone having a camera.

Pyhalammi teaches a mobile telephone having a camera (Col. 4 lines 50-57) configured to generate an image of a document that contains the data (Col. 4 lines 50-57); a processing server (Col. 4 lines 50-57) adapted to receive the document via a wireless communication network, extract the data from the image (Col. 4 lines 50-57);

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and a database, associated with the processing server, that receives and stores the data (Col. 4 lines 50-57), wherein the mobile telephone contains the database (Col. 4 lines 50-57).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a mobile telephone having a camera as taught by Pyhalammi into Yukie's system for wireless data storage on a server and data retrieval in order to establish a data connection with another device, without the need to relay on IPv6 or SIP (Col. 1 lines 45-48).

Regarding claim 2, the combination including Yukie teaches wherein the image comprises a video sequence (Col. 7 line 35-Col. 8 line 26).

Regarding claim 7, the combination including Yukie teaches wherein the processing server forwards the data extracted from the image to a destination in accordance with received instructions (Col. 6 line 55-Col. 7 line 3).

Regarding claim 9, Ford teaches wherein the mobile device has a memory configured to store multiple images and transmits the multiple images to the processing server in a batch (Col. 7 lines 26-34).

Regarding claim 11, method claim 11 is rejected for the same reason as system claim 1 since the recited elements would perform the claimed steps.

Regarding claim 12, method claim 12 is rejected for the same reason as system claim 2 since the recited elements would perform the claimed steps.

Regarding claim 17, method claim 17 is rejected for the same reason as system claim 7 since the recited elements would perform the claimed steps.

Regarding claim 19, method claim 19 is rejected for the same reason as system claim 9 since the recited elements would perform the claimed steps.

3. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie et al. (US Pat# 6,956,833) in view of Pyhalammi et al. (US Pat# 6,990,352) and further in view of Zilliacus (US Pat Appl# 2003/0211856).

Regarding claim 3, Yukie's system for wireless data storage on a server and data retrieval in view of Pyhalammi's camera phone teaches the limitations in claim 1. Yukie and Pyhalammi fail to teach a telephone transmitting an image by an MMS format.

Zilliacus's system for facilitating interactive presentations using wireless messaging teaches a mobile telephone 1014 (Fig. 10) transmitting an image to the processing server 1016 (Fig. 10) by employing a selected one of an MMS "MMS" (Fig. 10).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a telephone transmitting an image by an MMS format as taught by Zilliacus into a mobile telephone having a camera as taught by Pyhalammi into Yukie's system for wireless data storage on a server and data retrieval in order to cut costs and test new technologies (Section 0005).

Regarding claim 13, method claim 13 is rejected for the same reason as system claim 3 since the recited elements would perform the claimed steps.

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4. Claims 4, 8, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie et al. (US Pat# 6,956,833) in view of Pyhalammi et al. (US Pat# 6,990,352) and further in view of Aarnio (US Pat Appl# 2003/0087650).

Regarding claim 4, Yukie's system for wireless data storage on a server and data retrieval in view of Pyhalammi's camera phone teaches the limitations in claim 1. Yukie and Pyhalammi fail to teach employing an optical character recognition.

Aarnio's apparatus for providing precise location information through a communications network teaches wherein the processing server employs optical character recognition to extract the data from the image (Sections 0015-0017).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate employing an optical character recognition as taught by Aarnio into a mobile telephone having a camera as taught by Pyhalammi into Yukie's system for wireless data storage on a server and data retrieval in order to improve accuracy of locating an area and give the user better information (Section 0005).

Regarding claim 8, the combination including Aarnio teaches wherein the wireless communication conforms to a selected one of GPRS 14 (Fig. 1).

Regarding claim 14, method claim 14 is rejected for the same reason as system claim 4 since the recited elements would perform the claimed steps.

Regarding claim 18, method claim 18 is rejected for the same reason as system claim 8 since the recited elements would perform the claimed steps.

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5. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie et al. (US Pat# 6,956,833) in view of Pyhalammi et al. (US Pat# 6,990,352)

Regarding claim 5, Yukie's system for wireless data storage on a server and data retrieval in view of Pyhalammi's camera phone teaches the limitations in claim 1. Yukie and Pyhalammi fail to teach a spelling correction system.

However, it is well known to one of ordinary skill in the art to teach a processing server employing a spelling correction system. For example, many word processor systems have spell checking functions. Examiner takes an official notice to this effect.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a spelling correction system into a mobile telephone having a camera as taught by Pyhalammi into Yukie's system for wireless data storage on a server and data retrieval in order to be more user friendly and to use as a selling point to the consumer.

Regarding claim 15, method claim 15 is rejected for the same reason as system claim 5 since the recited elements would perform the claimed steps.

6. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie et al. (US Pat# 6,956,833) in view of Pyhalammi et al. (US Pat# 6,990,352) and further in view of Iida (US Pat Appl# 2003/0181200).

Regarding claim 10, Yukie's system for wireless data storage on a server and data retrieval in view of Pyhalammi's camera phone teaches the limitations in claim 1. Yukie and Pyhalammi fail to teach charging the user for processing.

lida's mobile terminal with built in camera and network printing system teaches a charge system, coupled to the processing server, configured to charge a user for processing of the image (Sections 0005 and 0054).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate charging the user for processing as taught by lida into a mobile telephone having a camera as taught by Pyhalammi into Yukie's system for wireless data storage on a server and data retrieval in order to efficiently send image data (Section 0007).

Regarding claim 20, method claim 20 is rejected for the same reason as system claim 10 since the recited elements would perform the claimed steps.

***Response to Arguments***

Applicant's Remarks	Examiner's Response
"Applicants respectfully contend that the primary reference (Yukie) explicitly teaches away from storing the information for subsequent retrieval on a consumer device."	Yukie clearly teaches downloading (to a database in the mobile device) data (images, audio, etc.) on a mobile phone (Col. 2 lines 41-49). Also, for the sake of argument, Pyhalammi teaches receiving data and storing it on a database on the mobile phone (selecting an image from the server and disconnecting after receiving the image and being able to display it on the phone because the image is stored in



	the phone's memory, Col. 5 lines 3-28).
"Yukie in view of Pyhalammi would render Yukie unsatisfactory for its intended purpose, as Yukie explicitly denigrates a local data storage media."	7. In response to applicant's argument that Yukie in view of Pyhalammi would render Yukie unsatisfactory for its intended purpose, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See <i>In re Keller</i> , 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Both Yukie and Pyhalammi teaches mobile devices that store and receive data from a remote server.

**Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Andrew Wendell  
Examiner  
Art Unit 2618

6/8/2007

  
**NAY MAUNG**  
SUPERVISORY PATENT EXAMINER